

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Pension, Welfare and Apprenticeship
Skill Improvement & Safety Funds of the
International Union of Operating Engineers Local
137, 137A, 137B, 137C & 137R et al.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Earthcon Industries, Inc.

JUDGE CONNER

08 CV. 2090

TO: (Name and address of defendant)

Earthcon Industries, Inc.
360 Barway
Jefferson Valley, New York 10535

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.
603 WARBURTON AVENUE
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. Michael McMahon
CLERK

CLERK

DATE

3/3/8

(BY) DEPUTY CLERK

Shellef Brown

STATE OF NEW YORK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT

DOCUMENTS SERVED WITH INDEX#: 08CIV.2090

AND FILED ON

3/3/2008

THE ANNUITY, PENSION, WELFARE AND APPRENTICESHIP SKILL IMPROVEMENT &
SAFETY FUNDS OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL
Vs.

Plaintiff(s)/Petitioner(s)

EARTHCON INDUSTRIES, INC.

Defendant(s)/Respondent(s)

STATE OF: NEW YORK

COUNTY OF WESTCHESTER

) SS
)

The undersigned deponent, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in the State of New York. On 4/16/2008 at 4:28PM, deponent did serve the within process as follows:

Process Served:

SUMMONS AND COMPLAINT

Party Served:

EARTHCON INDUSTRIES, INC.

(herein called recipient)
therein named.

At Location:

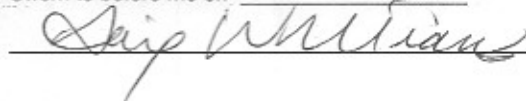
360 BARWAY DRIVE

JEFFERSON VALLEY NY 10535

By delivering to and leaving with PATSY FRAIOLI and that deponent knew the person
so served to be the MANAGING AGENT
of the corporation and authorized to accept service..

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex: M Color of Skin: WH Color of Hair: GRAY
Age: 81 Height: 5'8"
Weight: 185 Other Features:

Sworn to before me on 4/17/2008


Gary Williams

Server's License#:

GAIL WILLIAMS
Notary Public, State of New York
No. 4665052
Qualified in Westchester County
Commission Expires September 30 2010